

TLF: 2011R00501

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

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**UNITED STATES OF AMERICA**

v.

**DEVIN JARMAL SMITH,  
a/k/a Sean Jones,  
KENNETH ELLIOTT MCDOWELL,  
WENDY HINTON, and  
WILLIAM WHITE,**

**Defendants.**

**CRIMINAL NO.**

**ELH-11-0368**

AT BALTIMORE  
CLERK U.S. DISTRICT COURT  
DISTRICT OF MARYLAND  
DEPUTY

**(Conspiracy to Commit Bank Fraud,  
18 U.S.C. §1349; Bank Fraud 18 U.S.C.  
§1344; Aggravated Identity Theft, 18  
U.S.C. §1028A; Aiding and Abetting, 18  
U.S.C. §2)**

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**INDICTMENT**

**COUNT ONE**

**(Bank Fraud Conspiracy)**

The Grand Jury for the District of Maryland charges that:

At all times material to the Indictment:

1. Defendants **DEVIN JARMAL SMITH, a/k/a Sean Jones, KENNETH ELLIOTT MCDOWELL, WENDY HINTON, and WILLIAM WHITE** were residents of Baltimore, Maryland.

2. Defendant **KENNETH ELLIOTT MCDOWELL** was an employee of University of Maryland Medical Center ("UMMC") in Baltimore, Maryland.

3. Bank of America was a financial institution, the deposits of which were insured by the FDIC. Bank of America Bank is headquartered in Charlotte, North Carolina.

4. American Express was a financial institution, the deposits of which were insured by the FDIC. American Express is headquartered New York, New York.

5. Wachovia Bank was a financial institution, the deposits of which were insured by the FDIC. Wachovia Bank was headquartered in Charlotte, North Carolina. Wachovia Bank was part of Wells Fargo Bank, the deposits of which are also insured by the FDIC. Wells Fargo Bank is headquartered in San Francisco, California.

6. Discover Financial Services was a financial institution, the deposits of which were insured by the FDIC. Discovery Financial Services is headquartered in Riverwoods, Illinois.

7. M & T Bank was a financial institution, the deposits of which were insured by the FDIC. M & T Bank is headquartered in Buffalo, New York.

8. Pentagon Federal Credit Union was a financial institution, the deposits of which were insured by the National Credit Union Share Insurance Fund. Pentagon Federal Credit Union is headquartered in Alexandria, Virginia.

**Manner and Means of the Scheme and Artifice to Defraud**

9. From in or around July, 2009, through in or around June, 2011, in the District of Maryland, and elsewhere, defendants **DEVIN JARMAL SMITH, a/k/a Sean Jones, KENNETH ELLIOTT MCDOWELL, WENDY HINTON, and WILLIAM WHITE** and others known and unknown to the Grand Jury, conspired and agreed together to knowingly and willfully execute and attempt to execute a scheme and artifice to defraud a financial institution, and to obtain monies, funds and credits of a financial institution, and under the custody and control of a financial institution, through material false and fraudulent pretenses, representations and promises, as set forth more specifically below.

10. It was a part of the scheme and artifice to defraud that defendant **KENNETH ELLIOTT MCDOWELL** accessed patient files at UMMC and obtained the personal financial

and identity information of patients and other individuals who had agreed to pay for their medical treatment.

11. It was further part of the scheme and artifice to defraud that defendant **KENNETH ELLIOTT MCDOWELL** provided the personal financial and identity information to defendants **DEVIN JARMAL SMITH, a/k/a Sean Jones, WENDY HINTON, and WILLIAM WHITE** and other individuals known and unknown to the grand jury.

12. It was further part of the scheme that defendants **DEVIN JARMAL SMITH, a/k/a Sean Jones, KENNETH ELLIOTT MCDOWELL, WENDY HINTON, and WILLIAM WHITE** stole the personal financial and identity information of their own family members and other individuals with whom they came into contact.

13. It was further part of the scheme and artifice to defraud that defendants **DEVIN JARMAL SMITH, a/k/a Sean Jones, KENNETH ELLIOTT MCDOWELL, WENDY HINTON, and WILLIAM WHITE** used the personal financial and identity information they obtained to open new credit accounts in the identities of other individuals.

14. It was further part of the scheme and artifice to defraud that **DEVIN JARMAL SMITH, a/k/a Sean Jones, KENNETH ELLIOTT MCDOWELL, WENDY HINTON, and WILLIAM WHITE** and other individuals known and unknown to the grand jury contacted customer service representatives for Bank of America, American Express, Wachovia Bank, Discover Financial Services and M & T Bank, posing as customers, and requested that the addresses on the customers' accounts be changed to addresses controlled by or accessible to themselves and other members of the conspiracy known and unknown to the grand jury.

15. It was further part of the scheme and artifice to defraud that **DEVIN JARMAL SMITH, a/k/a Sean Jones, KENNETH ELLIOTT MCDOWELL, WENDY HINTON, and WILLIAM WHITE** and other individuals known and unknown to the grand jury contacted customer service representatives for Bank of America, American Express, Wachovia Bank, Discover Financial Services and M & T Bank, posing as customers, and requested that checks, credit and / or debit cards be issued on the accounts and sent to the new addresses.

16. It was further part of the scheme and artifice to defraud that **DEVIN JARMAL SMITH, a/k/a Sean Jones, KENNETH ELLIOTT MCDOWELL, WENDY HINTON, and WILLIAM WHITE** and other individuals known and unknown to the grand jury contacted customer service representatives for Bank of America, American Express, Wachovia Bank, Discover Financial Services and M & T Bank, posing as customers, and requested information about the compromised accounts.

17. It was a further part of the scheme and artifice to defraud that the checks, credit cards or debit cards mailed to the fraudulent addresses were received by members of the conspiracy known and unknown to the grand jury.

18. It was a further part of the scheme and artifice to defraud that members of the conspiracy known and unknown to the Grand Jury used the fraudulently-obtained checks and credit and debit cards to access and attempt to access the customers' bank accounts, all without the knowledge and consent of the true account holders.

19. It was a further part of the scheme and artifice to defraud that the defendants **DEVIN JARMAL SMITH, a/k/a Sean Jones, KENNETH ELLIOTT MCDOWELL, WENDY HINTON, and WILLIAM WHITE** and other individuals known and unknown to the

grand jury, used the fraudulently obtained checks, bearing forged signatures of true account holders, to withdraw or attempt to withdraw funds from the accounts which had been compromised as part of the scheme.

20. It was a further part of the scheme and artifice to defraud that the defendants **DEVIN JARMAL SMITH, a/k/a Sean Jones, KENNETH ELLIOTT MCDOWELL, WENDY HINTON, and WILLIAM WHITE** and other individuals known and unknown to the grand jury, used the fraudulently obtained debit and credit cards to purchase and attempt to purchase goods and merchandise and to obtain and attempt to obtain cash advances at banks and ATMs.

21. It was further part of the scheme and artifice to defraud that the defendants **DEVIN JARMAL SMITH, a/k/a Sean Jones, KENNETH ELLIOTT MCDOWELL, WENDY HINTON, and WILLIAM WHITE** received mail related to the fraudulently opened or compromised accounts as well as merchandise purchased with these accounts.

**The Charge**

22. From in or around July, 2009, through in or around June, 2011, in the District of Maryland and elsewhere, defendants **DEVIN JARMAL SMITH, a/k/a Sean Jones, KENNETH ELLIOTT MCDOWELL, WENDY HINTON, and WILLIAM WHITE** and other individuals known and unknown to the grand jury, conspired and agreed together to knowingly and willfully execute and attempt to execute a scheme and artifice to defraud one or more banks and certain other financial institutions, and to obtain monies, funds and credits of such banks and other financial institutions, and under the custody and control of banks and other financial institutions, through materially false and fraudulent pretenses, representations and

promises, in violation of 18 U.S.C. § 1344, to wit: by using personal financial and identity information to open new accounts and access existing accounts to withdraw funds and obtain credit advances from financial institutions.

18 U.S.C. §§ 1349, 1344

**COUNT TWO**  
**(Bank Fraud)**

The Grand Jury for the District of Maryland further charges that:

1. Paragraphs 1 through 21 of Count One of the Indictment are hereby incorporated by reference as though fully set forth herein.

2. On or about July 23, 2010 and July 24, 2010 in the District of Maryland,

**DEVIN JARMAL SMITH,**  
**a/k/a Sean Jones**

a defendant herein, knowingly executed, and attempted to execute, a scheme and artifice to defraud a financial institution and to obtain any of the moneys, funds, credits, assets, and other property owned by and under the custody and control of a financial institution, by means of materially false and fraudulent pretenses, representations and promises, to wit: defendant conducted multiple transactions totaling more than \$1,000.00 using the name and debit card number of "S.M." (\*\*\*\*-\*\*\*\*-\*\*\*\*-0019) without his knowledge and consent.

18 U.S.C. §1344

18 U.S.C. §2

**COUNT THREE**  
**(Aggravated Identity Theft)**

The Grand Jury for the District of Maryland further charges that:

1. Paragraphs 1 through 21 of Count One of the Indictment are hereby incorporated by reference as though fully set forth herein.

2. On or about July 23, 2010 and July 24, 2010, in the District of Maryland,

**DEVIN JARMAL SMITH,**  
**a/k/a Sean Jones**

a defendant herein, knowingly transferred, possessed, and used, without lawful authority, a means of identification of another person, during and in relation to a felony enumerated in 18 U.S.C. § 1028A(c), to wit: the defendant used the name and debit card number of "S.M." (\*\*\*\*-\*\*\*\*-\*\*\*\*-0019) without his knowledge and consent in relation to conspiracy to commit bank fraud as charged in Count One of the Indictment and bank fraud as charged in Count Two of the Indictment.

18 U.S.C. §1028A

18 U.S.C. §2



**COUNT FOUR**  
**(Aggravated Identity Theft)**

The Grand Jury for the District of Maryland further charges that:

1. Paragraphs 1 through 21 of Count One of the Indictment are hereby incorporated by reference as though fully set forth herein.

2. Between on or about August 13, 2009, and on or about July 24, 2010, in the District of Maryland,

**KENNETH ELLIOTT MCDOWELL,**

a defendant herein, knowingly transferred, possessed, and used, without lawful authority, a means of identification of another person, during and in relation to a felony enumerated in 18 U.S.C. § 1028A(c), to wit: the defendant accessed the hospital records of "J.P." and possessed, transferred and used the name and Bank of America account number of "S.M." (account ending 7295), the husband of "J.P.," without his knowledge and consent in relation to conspiracy to commit bank fraud as charged in Count One of the Indictment.

18 U.S.C. §1028A

18 U.S.C. §2

**COUNT FIVE**  
**(Bank Fraud)**

The Grand Jury for the District of Maryland further charges that:

1. Paragraphs 1 through 21 of Count One of the Indictment are hereby incorporated by reference as though fully set forth herein.

2. On or about July 28, 2010, in the District of Maryland,

**DEVIN JARMAL SMITH,**  
**a/k/a Sean Jones**

a defendant herein, knowingly executed, and attempted to execute, a scheme and artifice to defraud a financial institution and to obtain any of the moneys, funds, credits, assets, and other property owned by and under the custody and control of a financial institution, by means of materially false and fraudulent pretenses, representations and promises, to wit: defendant attempted to withdraw funds from an ATM using the name and debit card number of "G.S." (\*\*\*\*-\*\*\*\*-\*\*\*\*-7010) without his knowledge and consent.

18 U.S.C. §1344  
18 U.S.C. §2

**COUNT SIX**  
**(Aggravated Identity Theft)**

The Grand Jury for the District of Maryland further charges that:

1. Paragraphs 1 through 21 of Count One of the Indictment are hereby incorporated by reference as though fully set forth herein.

2. On or about July 28, 2010, in the District of Maryland,

**DEVIN JARMAL SMITH,**  
**a/k/a Sean Jones**

a defendant herein, knowingly transferred, possessed, and used, without lawful authority, a means of identification of another person, during and in relation to a felony enumerated in 18 U.S.C. § 1028A(c), to wit: the defendant used the name and debit card number of "G.S." (\*\*\*\*-\*\*\*\*-\*\*\*\*-7010) without his knowledge and consent in relation to conspiracy to commit bank fraud as charged in Count One of the Indictment and bank fraud as charged in Count Five of the Indictment.

18 U.S.C. §1028A

18 U.S.C. §2

**COUNT SEVEN**  
**(Aggravated Identity Theft)**

The Grand Jury for the District of Maryland further charges that:

1. Paragraphs 1 through 21 of Count One of the Indictment are hereby incorporated by reference as though fully set forth herein.

2. Between on or about November 9, 2009, and on or about July 28, 2010, in the District of Maryland,

**KENNETH ELLIOTT MCDOWELL,**

a defendant herein, knowingly transferred, possessed, and used, without lawful authority, a means of identification of another person, during and in relation to a felony enumerated in 18 U.S.C. § 1028A(c), to wit: the defendant accessed the hospital records of "G.S." and possessed, transferred and used the name, personal identifiers and financial account information of "G.S." without his knowledge and consent in relation to conspiracy to commit bank fraud as charged in Count One of the Indictment.

18 U.S.C. §1028A

18 U.S.C. §2

**COUNT EIGHT**  
**(Bank Fraud)**

The Grand Jury for the District of Maryland further charges that:

1. Paragraphs 1 through 21 of Count One of the Indictment are hereby incorporated by reference as though fully set forth herein.

2. On or about July 29, 2010, in the District of Maryland,

**WILLIAM FLOYD WHITE,**

a defendant herein, knowingly executed, and attempted to execute, a scheme and artifice to defraud a financial institution and to obtain any of the moneys, funds, credits, assets, and other property owned by and under the custody and control of a financial institution, by means of materially false and fraudulent pretenses, representations and promises, to wit: defendant cashed a check for \$7,000.00 drawn on a Bank of America account in the name of "E.B." and "D.B." (account number ending 7633) without their knowledge and consent.

18 U.S.C. §1344

18 U.S.C. §2

**COUNT NINE**  
**(Aggravated Identity Theft)**

The Grand Jury for the District of Maryland further charges that:

1. Paragraphs 1 through 21 of Count One of the Indictment are hereby incorporated by reference as though fully set forth herein.

2. On or about July 29, 2010, in the District of Maryland,

**WILLIAM FLOYD WHITE,**

a defendant herein, knowingly transferred, possessed, and used, without lawful authority, a means of identification of another person, during and in relation to a felony enumerated in 18 U.S.C. § 1028A(c), to wit: the defendant used the name and Bank of America account number of "E.B." and "D.B." (account ending 7633) without their knowledge and consent in relation to conspiracy to commit bank fraud as charged in Count One of the Indictment and bank fraud as charged in Count Eight of the Indictment.

18 U.S.C. §1028A

18 U.S.C. §2

**COUNT TEN**  
**(Aggravated Identity Theft)**

The Grand Jury for the District of Maryland further charges that:

1. Paragraphs 1 through 21 of Count One of the Indictment are hereby incorporated by reference as though fully set forth herein.

2. Between on or about July 29, 2009, and on or about November 15, 2010, in the District of Maryland,

**KENNETH ELLIOTT MCDOWELL,**

a defendant herein, knowingly transferred, possessed, and used, without lawful authority, a means of identification of another person, during and in relation to a felony enumerated in 18 U.S.C. § 1028A(c), to wit: the defendant accessed the hospital records of "D.B." and possessed, transferred and used the name, personal identifiers and financial account information of "D.B." and "E.B." without their knowledge and consent in relation to conspiracy to commit bank fraud as charged in Count One of the Indictment.

18 U.S.C. §1028A

18 U.S.C. §2

**COUNT ELEVEN**  
**(Bank Fraud)**

The Grand Jury for the District of Maryland further charges that:

1. Paragraphs 1 through 21 of Count One of the Indictment are hereby incorporated by reference as though fully set forth herein.
2. On or about March 4, 2011, in the District of Maryland,

**DEVIN JARMAL SMITH,**  
**a/k/a Sean Jones**

a defendant herein, knowingly executed, and attempted to execute, a scheme and artifice to defraud a financial institution and to obtain any of the moneys, funds, credits, assets, and other property owned by and under the custody and control of a financial institution, by means of materially false and fraudulent pretenses, representations and promises, to wit: defendant ordered vehicle rims costing over \$2,500.00 using the name and M&T account number of "S.N." (account ending 0881) without her knowledge and consent.

18 U.S.C. §1344  
18 U.S.C. §2



**COUNT TWELVE**  
**(Aggravated Identity Theft)**

The Grand Jury for the District of Maryland further charges that:

1. Paragraphs 1 through 21 of Count One of the Indictment are hereby incorporated by reference as though fully set forth herein.

2. On or about March 4, 2011, in the District of Maryland,

**DEVIN JARMAL SMITH,**  
**a/k/a Sean Jones**

a defendant herein, knowingly transferred, possessed, and used, without lawful authority, a means of identification of another person, during and in relation to a felony enumerated in 18 U.S.C. § 1028A(c), to wit: the defendant used the name and Bank of America account number of "S.N." (account ending 0881) without her knowledge and consent in relation to conspiracy to commit bank fraud as charged in Count One of the Indictment and bank fraud as charged in Count Eleven of the Indictment.

18 U.S.C. §1028A

18 U.S.C. §2

**COUNT THIRTEEN**  
**(Bank Fraud)**

The Grand Jury for the District of Maryland further charges that:

1. Paragraphs 1 through 21 of Count One of the Indictment are hereby incorporated by reference as though fully set forth herein.
2. On or about March 30, 2011, in the District of Maryland,

**DEVIN JARMAL SMITH,**  
**a/k/a Sean Jones,**  
**and**  
**WENDY HINTON**

defendants herein, knowingly executed, and attempted to execute, a scheme and artifice to defraud a financial institution and to obtain any of the moneys, funds, credits, assets, and other property owned by and under the custody and control of a financial institution, by means of materially false and fraudulent pretenses, representations and promises, to wit: defendants each attempted to authorize an electronic funds transfer into accounts in their names from the Pentagon Federal Credit Union account of "E.N." (account ending 0026) without his knowledge and consent.

18 U.S.C. §1344

18 U.S.C. §2

**COUNT FOURTEEN**  
**(Aggravated Identity Theft)**

The Grand Jury for the District of Maryland further charges that:

1. Paragraphs 1 through 21 of Count One of the Indictment are hereby incorporated by reference as though fully set forth herein.
2. On or about March 30, 2011, in the District of Maryland,

**DEVIN JARMAL SMITH,**  
**a/k/a Sean Jones,**  
**and**  
**WENDY HINTON**

defendants herein, knowingly transferred, possessed, and used, without lawful authority, a means of identification of another person, during and in relation to a felony enumerated in 18 U.S.C. § 1028A(c), to wit: defendants used the name and Pentagon Federal Credit Union account number of "E.N." (account ending 0026) without his knowledge and consent in relation to conspiracy to commit bank fraud as charged in Count One of the Indictment and bank fraud as charged in Count Thirteen of the Indictment.

18 U.S.C. §1028A  
18 U.S.C. §2

**COUNT FIFTEEN**  
**(Bank Fraud)**

The Grand Jury for the District of Maryland further charges that:

1. Paragraphs 1 through 21 of Count One of the Indictment are hereby incorporated by reference as though fully set forth herein.

2. On or about June 21, 2011, in the District of Maryland,

**DEVIN JARMAL SMITH,**  
**a/k/a Sean Jones**

a defendant herein, knowingly executed, and attempted to execute, a scheme and artifice to defraud a financial institution and to obtain any of the moneys, funds, credits, assets, and other property owned by and under the custody and control of a financial institution, by means of materially false and fraudulent pretenses, representations and promises, to wit: defendant cashed a check for \$8,000.00 drawn on a Bank of America account in the name of "C.H." (account ending 5503) without her knowledge and consent.

18 U.S.C. §1344

18 U.S.C. §2

**COUNT SIXTEEN**  
**(Aggravated Identity Theft)**

The Grand Jury for the District of Maryland further charges that:

1. Paragraphs 1 through 21 of Count One of the Indictment are hereby incorporated by reference as though fully set forth herein.
2. On or about June 21, 2011, in the District of Maryland,

**DEVIN JARMAL SMITH,**  
**a/k/a Sean Jones**

a defendant herein, knowingly transferred, possessed, and used, without lawful authority, a means of identification of another person, during and in relation to a felony enumerated in 18 U.S.C. § 1028A(c), to wit: the defendant used the name and Bank of America account number of "C.H." (account ending 5503) without her knowledge and consent in relation to conspiracy to commit bank fraud as charged in Count One of the Indictment and bank fraud as charged in Count Fifteen of the Indictment.

18 U.S.C. §1028A  
18 U.S.C. §2

**COUNT SEVENTEEN**  
**(Aggravated Identity Theft)**

The Grand Jury for the District of Maryland further charges that:

1. Paragraphs 1 through 21 of Count One of the Indictment are hereby incorporated by reference as though fully set forth herein.


2. Between on or about August 27, 2010, and on or about June 21, 2011, in the District of Maryland,

**KENNETH ELLIOTT MCDOWELL,**


a defendant herein, knowingly transferred, possessed, and used, without lawful authority, a means of identification of another person, during and in relation to a felony enumerated in 18 U.S.C. § 1028A(c), to wit: the defendant accessed the hospital records of "C.H." and possessed, transferred and used the name, personal identifiers and financial account information of "C.H." without her knowledge and consent in relation to conspiracy to commit bank fraud as charged in Count One of the Indictment.

18 U.S.C. §1028A

18 U.S.C. §2

  
Rod J. Rosenstein  
United States Attorney

**SIGNATURE REDACTED**

For person 

Date: 7/6/2011